

RECORDS INVENTORY AND RETENTION SCHEDULE COVER SHEET

Schedule Number <small>(To be completed by DGS/Records Management Division)</small>	2330A
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Agency Information

Department / Agency	Judiciary of Maryland
Division / Unit	Circuit Courts
Mission Statement/Link to division/unit website	<p>Circuit Courts are where jury trials are held. Circuit Courts generally handle more serious criminal cases and major civil cases. These include juvenile and other family law cases such as divorce, custody and child support. The Circuit Courts hear most cases appealed from the District Court, orphans' courts and some administrative agencies. Circuit Courts also hear domestic violence cases. Cases may be decided by juries, but also may be decided by a judge only. There is a Circuit Court and Clerk's Office in each of Maryland's 23 counties and the city of Baltimore. Circuit Courts are grouped in 8 judicial circuits. https://courts.state.md.us/circuit</p>

Schedule Information

Supersedes Schedule(s)	
Amends Schedule(s)	2330: Introduction 2 and 5; Section VII 4; Exhibits B, C, and I The purpose of this amendment is to amend the disposal procedure for the Circuit Courts

Preparer Information

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Agency Approval

Name of Agency Records Officer	Pamela Harris
Agency Director Signature	<i>Pamela Harris</i>
Date	4.24.2019

State Archivist Approval

State Archivist Signature	<i>Timothy D. Behr</i>
Date	5.17.19

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Introduction

2) MANDATORY MINIMUM RETENTION PERIODS

Each circuit court must decide how to effectively manage its court records. Some counties may decide to permanently retain every document filed within their court. Other counties may be very aggressive in their disposal of court records. This schedule will give counties guidance for their records management program.

It is important to remember that all time periods set forth in this schedule constitute the minimum retention period. Court records may be retained for any length of time, as long as they are kept for at least the minimum time period provided in this schedule. No court records may be destroyed without the written permission of the County Administrative Judge.

The retention period for a court record applies to the record regardless of the medium in which it is maintained (e.g.: paper, film, electronic). Some court records listed in this schedule are maintained only in electronic format. For more information on retention of electronically stored court records, see Exhibit A.

Court records listed in this schedule which are not required to be retained permanently and which were originally created and/or stored in paper form may be disposed of prior to the expiration of the state minimum retention period if they have been photocopied, microfilmed or electronically stored pursuant to the provision of Maryland Code, State Government Article, § 10-619 and COMAR 14.18.02.14. Actual disposal of the original paper record, however, is still subject to the procedures set forth in this schedule.

Introduction

5) DESTROYING NON-PERMANENT RECORDS

In accordance with Annotated Code of Maryland State Government Article §10-616, upon the destruction of non-permanent records in accordance with an approved record retention and disposal schedule, the public official shall send to the Archives

- (1) a list specifying what materials were destroyed, including a full and accurate list of case numbers
- (2) a certificate of destruction.

Records are destroyed using one of the following methods:

1. Confidential Court Records and Fiscal Records

Where confidential information may be contained in the court records, shredding is the preferred method of destruction. Once shredded, material may be recycled. In lieu of shredding, incineration or burial at a landfill is acceptable. The custodian or an employee holding a position of supervisor or higher shall oversee the destruction of records containing confidential information to ensure complete destruction.

2. Non-Confidential Records

In addition to shredding, incineration or burial at a landfill, simple recycling is an acceptable method of destruction for records that do not contain confidential information.

DEPARTMENT OF GENERAL SERVICES
 RECORDS MANAGEMENT DIVISION
 RECORDS INVENTORY AND RETENTION SCHEDULE

Schedule No. **2330A**
 (To be completed by DGS/Records Management Division)

Records Series Title:
 Original Land Records Instruments

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Section VII, 4

Record Series Content	Original deeds, leases, assignments, mortgages, releases, rights-of-way, agreements, etc., not returned to or claimed by grantee or maker.
Record Series Function	These originally submitted land record instruments were used to create the record copy of the land records represented in Section VII, 2 of retention schedule 2330
Organization/ Arrangement	Organized by date. In some jurisdictions also organized by type of land record.
Indexing System	Indexed by Section VII Item 3 of this schedule
Restrictions (Law or Regulation Citation)	None
Formats (paper, electronic, etc.)	Paper
Volume (file drawers, gigabytes, etc.)	Varies by court
Annual Accumulation (file drawers, gigabytes, etc.)	Varies by court
Current Location	Circuit Courts of Maryland
Audit Requirements	None
Date Span	Varies by court
Completeness /Gaps	None known
Schedule Item Number	Section VII, 4
Retention	Original instruments which have been scanned into the recordation system or converted to other acceptable format approved by the State Archivist can be returned to the makers at any time. If the court is unable to return original instruments to the makers, retain three years after scanned into the recordation system or converted to other acceptable format approved by the State Archivist, then destroy.

Justification for Permanent Retention	
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EXHIBIT B

Certificate of Records Disposal

(This information can be submitted on paper or online at <http://disposal.msa.md.gov/>)

EXHIBIT C

Exhibit Deleted

EXHIBIT I
Definitions

Accession Number: A unique number assigned sequentially to a set of records for purposes of identification and control within an archives or records center.

Administrative Records: Records generated by the routine budgetary, personnel, or other administrative operation of any office.

Archives:

1. A place where public, historical, or institutional records are systematically preserved.
2. Collected and preserved public, historical, or institutional papers and records.
3. Any systematic compilation of material, esp. writings, in physical or electronic form.

Archivist: A professional person trained to work in archives.

Audit: A meticulous examination of records to determine whether established procedures and policies were or are being followed.

Correspondence: Any form of or electronic written communication sent or received in the course of business, including letters, postcards, memoranda, notes, electronic mail, facsimiles, telegrams, or cables.

Court Record: Papers, dockets, books, files or other documentary materials in any form made or received in the Maryland Judiciary pursuant to law, statute, or rules of court, in connection with transactions of its business and the discharge of its responsibilities.

Custodian: The supervisor in the agency or locality having physical possession and control of records.

Destruction date: The date which marks the end of the legally-required retention period for temporary records and the date after which records should be destroyed unless they are involved with or relevant to audit, litigation, or continuing administrative action.

Electronic Records: "Electronic Records" include numeric, graphic, and text information, which may be recorded, on any medium capable of being read by a computer and which satisfies the definition of record as defined in Exhibit A. This includes, but is not limited to magnetic media such as computer tapes, disks, optical disks, diskettes and other electronic storage devices and electronic filing systems containing minicomputers or mainframe computers, in network or stand-alone configurations.

Incinerate: to burn to ashes

Medium: Physical form of the stored data, such as paper, photo, audio or video tape, optical disc, microfilm, motion picture or electronic on tape or discs.

Non-permanent Records: Those records which need to be retained for a specified period of time and which may then be disposed of in accordance with an approved record records schedule and Annotated Code of Maryland State Government Article §10-616.

Original Record: The original, first, or prime copy of a record.

Public Record: The original or any copy of any documentary material that

(i) Is made by a unit of instrumentality of the State government or of a political subdivision or received by the unit or instrumentality in connection with the transaction of business; and

(ii) is in any form, including:

1. a card;
2. a computerized record;
3. correspondence;
4. a drawing;
5. film or microfilm;
6. a form;
7. a map;
8. a photograph or photostat;
9. a record; or
10. a tape

Permanent Records: Those records which will be preserved for historical, legal, or administrative purposes, and may not be destroyed. Permanent records may, however, be disposed if they are replicated as required by State Government 10-642 and provided that prior approval has been received from the Hall of Records Commission

Records Transfer: The physical relocation and transfer of control or custody of records to another entity.

Retention Period: The length of time a record is held before disposal or transfer action takes place. Unless otherwise specified, the retention period for a record is to be counted in the following manner. For Administrative and Fiscal Records, the retention period begins at the time the record is created. If more than one record is retained (e.g., within the same book or ledger), the retention period for all records is calculated from the creation of the latest record. For Case Records, the retention period begins upon the filing of the last pertinent docket entry.

Sealed Records: Records protected by a court order which cannot be accessed or unsealed without another court order.

Shredding: A means of destroying paper records by mechanical cutting.

State Archivist: The person appointed to oversee the state's archival program.